

Luther Orton (State Bar No. 54258)
Jennifer L. Shoda (State Bar No. 194469)
SNYDER, MILLER & ORTON LLP
111 Sutter Street, Suite 1950
San Francisco, California 94104
Telephone: (415) 962-4400
Facsimile: (415) 962-4401

Bruce J. Rose (admitted *pro hac vice*)
S. Benjamin Pleune (admitted *pro hac vice*)
ALSTON & BIRD, LLP
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280-4000
Telephone: (704) 444-1000
Facsimile: (704) 444-1111

Attorneys for Defendants
Homestore, Inc., The National Association
of Realtors, and The National Association
of Home Builders of the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KEVIN L. KEITHLEY and TREN
TECHNOLOGIES HOLDING LLC,

Plaintiffs,

v.

HOMESTORE.COM, INC., et al.,

Defendants.

Case No. 3:03-CV-04447 SI (EDL)

**DEFENDANTS' ADMINISTRATIVE
MOTION FOR FILING UNDER SEAL**

**SUPPORTING DECLARATION OF BRUCE
J. ROSE**

[PROPOSED] ORDER

Courtroom: 10, 19th Floor
Judge: Honorable Susan Illston

DEFENDANTS' ADMINISTRATIVE MOTION FOR FILING UNDER SEAL

1. Papers Submitted For Filing Under Seal In Their Entirety

Pursuant to Civil Local Rules 7-11 and 79-5(b), Defendants Move, Inc. (formerly Homestore.com, Inc.), the National Association of Realtors and the National Association of Home Builders of the United States hereby request leave of Court to file under seal in their entirety the following documents being lodged with the Clerk:

- Exhibit 16 to the Declaration of Bruce J. Rose in Support of Defendants' Objections to the Order for Monetary Sanctions and Report and Recommendation for Adverse Inference Instruction to Remedy Discovery Misconduct; and
- Exhibit 1 to the Declaration of Terry Kontonickas

Exhibit 16 to the Rose Declaration contains references to materials that are designated as Confidential or Highly Confidential – Attorneys Eyes Only because they contain highly sensitive, confidential technical information. Exhibit 1 to the Kontonickas Declaration has also been designated as Confidential or Highly Confidential – Attorneys Eyes Only because it contains highly sensitive, confidential business information.

As required by Civil Local Rule 79-5(b), Defendants are lodging with the Clerk copies of said exhibits.

Submitted this 26th day of August, 2008.

LUTHER ORTON
SNYDER, MILLER & ORTON LLP

/s/ Bruce J. Rose

BRUCE J. ROSE
S. BENJAMIN PLEUNE
DOUGLAS R. WILNER
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280-4000

ATTORNEYS FOR DEFENDANTS

SUPPORTING DECLARATION OF BRUCE J. ROSE

I, Bruce J. Rose, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of North Carolina. I am a partner in the law firm of Alston & Bird, LLP, counsel for Defendants Homestore.com, Inc., The National Association of Realtors, and The National Association of Home Builders of the United States (collectively "Defendants"). I have knowledge of all of the following facts and, if called as a witness, could and would competently testify thereto.

2. The representations made above in this Administrative Motion are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2008, at Charlotte, North Carolina.


/s/ Bruce J. Rose
Bruce J. Rose

[PROPOSED] ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that Exhibit 16 to the Declaration of Bruce J. Rose in Support of Defendants' Objections to the Order for Monetary Sanctions and Report and Recommendation for Adverse Inference Instruction to Remedy Discovery Misconduct as well as Exhibit 1 to the Kontonickas Declaration be filed under seal by the Clerk.

IT IS SO ORDERED.

Dated: _____



Hon. Susan Illston
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Defendants' Administrative Motion For Filing Under Seal; Supporting Declaration Of Bruce J. Rose; [Proposed] Order** was served upon the following parties on August 26, 2008 by electronic delivery:

Scott R. Mosko, Esq.
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
Stanford Research Park
3300 Hillview Avenue
Palo Alto, CA 94304-1203
Scott.mosko@finnegan.com

s/ Bruce J. Rose

Bruce J. Rose